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as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th
September, 1964:—

BILL No. 66 OF 1964

*A Bill to provide machinery for fixation of wages and for improve-
ment of working conditions of workers in the Film Industry.*

Be it enacted by Parliament in the Fifteenth Year of the Repub-
lic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 1964. 1. (1) This Act may be called the Film Industry Workers Act, Short title,
extent,
(2) It extends to the whole of India, except the State of Jammu com-
and Kashmir. mence-
(3) It shall come into force on such date as the Central Govern- ment and
ment may, by notification in the Official Gazette, appoint. applica-
10 (4) It shall apply to every establishment employing one or more tion.
workers in the Film Industry except the film industry establish-
ments owned and managed by the Government.
2. In this Act, unless the context otherwise requires,—
- 15 (a) "Film Industry" includes production, processing, Distribu-
distribution and exhibition of films; tions.
(b) "Government" means the Central Government;

- (c) "Worker" means any person employed in any film industry establishment;
- (d) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act. 14 of 1947. 5

CHAPTER II

WAGES, RETRENCHMENT, GRATUITY, RECOVERY, ETC.

Act 14 of 1947 to apply to workers.

3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, subject to the modifications specified in sub-section (2) apply to, or in relation to, workers as they apply to, or in relation to, workmen within the meaning of that Act. 10

(2) Section 25F of the aforesaid Act, in its application to workers, shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely:— 15

(a) three months in case of workers who have been in continuous service for a period of not less than two years, and 20

(b) two months in case of other workers.

Special provisions in respect of certain cases of retrenchment.

4. Where at any time between the 14th day of August, 1962, and the 1st day of March, 1964, any worker had been retrenched, he shall be entitled to receive from the employer, in case of retrenchment, the same benefits as are conferred on a worker retrenched under section 3. 25

Payment of gratuity.

5. Where—

- (a) any worker has been in continuous service whether before or after the commencement of this Act, for not less than two years in any branch of the film industry, and— 30
- (i) his services are terminated by the employer in relation to the film industry for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action; or 35
- (ii) he retires from service on reaching the age of superannuation; or
- (iii) he voluntarily resigns from service;

(b) any worker dies while he is in service in any film industry,

the worker or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall, without prejudice to 5 any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, retirement, resignation or death, by the employer in relation to that establishment gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months:

10 Provided that where a worker is employed in any establishment in film industry wherein more than one workers were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a worker employed in any such film industry for any period of service before such 15 commencement shall be equivalent to—

- (a) three days' average pay for every completed month of service in excess of three months, if the period of such past service does not exceed ten months;
- 20 (b) five days' average pay for every completed month of service in excess of three months, if the period of such past service exceeds one year, but does not exceed two years; and
- (c) seven days' average pay for every completed month of service in excess of six months, if the period of such 25 service exceeds two years.

6. (1) The Government may, in the manner hereinafter pro- Fixation
vided— or revision
of rates
of wages.

- (a) fix rates of wages in respect of workers; and
- 30 (b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.

(2) The rates of wages may be fixed or revised by the Government in respect of workers for time work and for piece work.

7. For the purpose of fixing or revising rates of wages in respect of workers under this Act, the Government shall, as and when 35 necessary, constitute a Wage Board which shall consist of— Procedure
for fixing
and revis-
ing rates
of wages.

- (a) two persons representing employers in relation to film industry;

(b) two persons representing workers; and

(c) three independent persons, one of whom shall be a person who is, or has been, a Judge of a High Court or the Supreme Court and who shall be appointed by the Government as the Chairman thereof.

Explanation.—The representatives of the workers shall be appointed from amongst the Union or Association of the workers.

Recommendation of Board.

8. (1) In making any recommendation to the Government, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the circumstances relating to the film industry in different regions of the country, and to any other circumstances which to the Board may seem relevant.

(2) The Board may recommend the rates of wages for time work and for piece-work.

(3) The recommendation of the Board for fixation of rates of wages shall be communicated, as soon as practicable, to the Government.

Powers of Government to enforce recommendations of the Wage Board.

9. (1) As soon as may be, after the receipt of the recommendation of the Board, the Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Government, do not effect important alterations in the character of the recommendations.

(2) Every order made by the Government under this section shall be published in the Official Gazette together with the recommendations of the Board relating to the order and the order shall come into operation on the date of publication or on such date, whether prospectively or retrospectively, as may be specified in the order.

Workers entitled to wages at rates not less than those specified in the order.

10. On the coming into operation of an order of the Government under section 9 every worker shall be entitled to be paid by his employer wages at the rate which shall in no case be less than the rate of wages specified in the order.

Workers Welfare Fund.

11. (1) With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be levied and collected a fee for the purposes of this Act on the earnings of workers and employers at such rate, not exceeding one per cent. in the case of workers and two per cent. in the case of employers, as may, from time to time be fixed by the Government.

(2) On the last day of each month or as soon thereafter or at the time of payment, whether in part or in full, of the remuneration of workers, as may be convenient, there shall be paid to the credit of a fund to be known as the Film Industry Workers Welfare Fund (hereinafter referred to as the Fund) the proceeds of the fees after deduction of the expenses, if any, for collection and recovery.

12. (1) The Fund shall be applied by the Government to meet the expenditure incurred in connection with measures which are, in the opinion of the Government necessary or expedient to promote the welfare of or provide relief for workers who have either retired or are unemployed and are in indigent circumstances or to the deserving legal heirs of the workers who might have died while engaged in the production of a feature film in any capacity, or, if unemployed, are in a destitute condition. Applica-
tion of
Welfare
Fund.

(2) Without prejudice to the generality of sub-section (1), the Fund may be utilised to defray—

(i) the cost of measures for the benefit of workers;

(ii) the cost of administering the Fund, the salaries and allowances, if any, of members of the Wage Board constituted under section 7 and salaries and allowances, if any, of officers appointed under section 13;

(iii) any other expenditure which the Government may direct to be defrayed from the Fund.

(3) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund and its decision shall be final.

13. (1) The Government may appoint such officers as it thinks necessary to administer the Fund or to supervise or carry out the activities financed from the Fund. Appoint-
ment of
officers to
adminis-
ter the
Fund.

(2) Every officer so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. Fund.

14. (1) Where any money is due to a worker from an employer, or any money so becomes due from any other person who succeeds to the title of the establishment in the film industry, under any provisions of this Act, whether by way of compensation, gratuity or wages, the worker may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money is so due, it shall issue a certificate for that amount Recovery
of money
due from
an em-
ployer.

to the Collector who shall proceed to recover that amount in the same manner as an arrear of land revenue.

(2) If any question arises as to the amount due under this Act to a worker from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court for adjudication under that Act or law. 14 of 1947.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

Hours of
work.

15. (1) No worker shall be required or allowed to work in any film industry for more than one hundred and sixty-eight hours during any period of four consecutive weeks, exclusive of the time for meals and leisure.

(2) Every worker shall be allowed during a period of seven consecutive days, a rest for a period of not less than twenty-four consecutive hours.

Explanation.—For the purpose of this section, 'week' means a period of seven days beginning at midnight on Saturday.

Employ-
ment in
shifts.

16. (1) Where work is required to be carried on for a period exceeding eight hours, workers will be employed in shifts.

(2) Workers will not ordinarily be employed in two consecutive shifts in a day though by previous permission obtained from the appropriate Government, they may be so employed provided that the worker is paid overtime at the rate of three times the wage rates, specified in the order under section 9.

Leave.

17. Every worker who has put in a service of six months shall be entitled every year to leave as follows:—

Casual Leave—21 days.

Sick Leave—21 days.

Earned Leave—1/11th of the period spent on duty.

CHAPTER III

WELFARE AND HEALTH

18. (1) In every place where film production work is carried on, the employer shall be liable to provide for meals, refreshment, etc. at the proper time. Canteens

(2) In every film industry wherein twenty-five workers or more are employed, the employer shall provide for a canteen, which shall be subject to the same rules and regulations as are applicable to restaurants, hotels and such other recreation centres under Factories Act, 1948. Rest Rooms

19. Rest rooms shall be provided and maintained by the employer so as to be readily accessible to workers during all working hours, in particular for workers who are required to work on night shift.

20. There shall be provided and maintained by the employer so as to be readily accessible to workers during all working hours, a first-aid box equipped with the prescribed contents in every film industry or every such place where it undertakes film production. First-aid facilities.

CHAPTER IV

APPLICATION OF CERTAIN ACTS TO FILM INDUSTRY WORKERS

21. The provisions of the Industrial Employment (Standing Orders) Act, 1946, as in force for the time being, shall apply to every film industry establishment as if such film industry establishment were an industrial establishment to which the aforesaid Act has been applied by a notification under sub-section (3) of section 1 thereof, and as if a film industry employee were a workman within the meaning of that Act. Act 20 of 1946 to apply to film industry establishments.

22. The Employees' Provident Funds Act, 1952 as in force for the time being, shall apply to every film industry establishment as if such film industry establishment were a factory to which the aforesaid Act had been applied by a notification of the Central Government under sub-section (3) of section 1 thereof, and as if a film industry employee were an employee within the meaning of that Act. Act 19 of 1952 to apply to film industry establishments.

23. (1) If personal injury is caused to a worker by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of Chapter II of the Workmen's Compensation Act, 1923. Employer's liability for compensation.

(2) The payment of compensation in respect of a worker whose injury has resulted in death, shall be made to his or her heirs.

CHAPTER V

MISCELLANEOUS

Effect of laws and agreements inconsistent with this Act.

24. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act: 5

Provided that where under any such award, agreement, contract of service or otherwise, a worker is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the worker 10 shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude any worker from entering into an agreement with an employer for 15 granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act.

Maintenance of registers, records and muster-rolls.

25. Every employer in relation to a film industry establishment shall prepare and maintain such registers, records and muster-rolls 20 and in such manner as may be prescribed.

Appointment of Inspectors.

26. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions. 25

(2) Every Inspector shall be deemed to be a public servant with- 45 of 1860.
in the meaning of the Indian Penal Code, 1860.

Any Inspector appointed under sub-section (1) may—

(a) enter any film industry establishment or any premises connected therewith; 30

(b) require any authority or person to produce any register, muster-roll or other documents relating to the employment of workers and examine such document;

(c) take on the spot or otherwise the evidence of any person for the purpose of ascertaining whether the provisions of this 35 Act, or any other Act which is applicable to the film industry

are complied with notwithstanding any other authority who may be empowered with the same powers or any part thereof.

27. (1) If any employer contravenes the provisions of this Act ^{Penalty.}
5 or any other law for the time being in force governing the film industry, he shall be punishable with fine which may extend to one thousand rupees notwithstanding any other punishment to which he may be liable for the contravention of any other law for the time being in force.

(2) No Court shall take cognisance of an offence under this
10 section unless the complaint thereof is made within two months of the date on which the offence is alleged to have been committed.

28. No suit, prosecution or other legal proceeding shall lie against ^{Indemnity.}
the Chairman or any other member of the Wage Board or an Inspector appointed under this Act for anything which is in good faith
15 done or intended to be done in the course of his duties.

29. (1) The Government may, by notification in the ^{Official} ^{Power to}
Gazette, make rules to carry out the purposes of this Act. ^{make}
^{rules.}

(2) Every rule made by the Government under this section shall be laid, as soon as may be after it is made, before each House of
20 Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule
25 should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

STATEMENT OF OBJECTS AND REASONS

Most of the workers in the film industry are employed through middlemen. The method of recruitment of workers is beset with several evils. Favouritism and nepotism are rampant and the workers are exploited in a variety of ways.

As rates of wages paid to workers are not laid down, there is keen competition. The workers are exploited by suppliers. There is insecurity of work. Under-employment, unemployment and low wages are perpetual

The working hours for workers in the industry are abnormal, irregular and strenuous. Minimum amenities such as leave, shift system, rest rooms, canteens and first-aid are not provided

The Bill seeks to provide a machinery for fixation of wages and for improvement of working conditions of workers in the film industry.

NEW DELHI;

MAIMOONA SULTAN.

The 4th August, 1964.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill when enacted. The matters in respect of which rules may be made relate to appointment of Wage Boards, administration of welfare fund etc. The delegation of legislative power is of a normal character.

BILL No. 61 OF 1964

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifteenth Year of the **Republic** of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1964.

2. After article 368 of the Constitution, the following article shall be inserted, namely:—

5

Insertion
of
new article
368A.

“368A. No Bill seeking to amend the Constitution, after rejection by either House of Parliament, shall be re-introduced in either House of Parliament unless and until a period of at least one year has elapsed from the date on which it was so rejected.”.

STATEMENT OF OBJECTS AND REASONS

Amendments of the Constitution should not be undertaken lightly or too frequently, particularly so when an amending Bill has once been defeated in Parliament. The Bill seeks to achieve this object.

NEW DELHI;
The 24th August, 1964.

HARI VISHNU KAMATH.

BILL NO. 56 OF 1964

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1964.

(2) It shall come into force at once.

5

Amendment
of section
144.

2. In section 144 of the Representation of the People Act, 1951, the following words shall be inserted at the end, namely:— 43 of 1951

“, but no order for removal of such disqualification shall be made unless and until the Election Commission has invited and heard objections, if any, from the electorate of the constituency concerned against the said removal.”. 10

STATEMENT OF OBJECTS AND REASONS

It is obviously improper and unfair that a disqualification incurred by an M.P. or an M.L.A. under Chapter I of Part VIII of the Representation of the People Act, 1951, could be removed by the Election Commission without hearing anyone interested. The Bill seeks to remove this lacuna in the aforesaid Act.

HARI VISHNU KAMATH.

NEW DELHI;

24th August, 1964.

S. L. S

